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IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 1895 of 1988

For Approval and Signature:

Hon'ble MR.JUSTICE S.K.KESHOTE

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1. Whether Reporters of Local Papers may be allowed : NO
to see the judgements?
 2. To be referred to the Reporter or not? : NO
 3. Whether Their Lordships wish to see the fair copy : NO
of the judgement?
 4. Whether this case involves a substantial question : NO
of law as to the interpretation of the Constitution
of India, 1950 of any Order made thereunder?
 5. Whether it is to be circulated to the Civil Judge? : NO

MAGANBHAI UKABHAI PATEL

Versus

DIST PANCHAYAT EDUCATION OFFICER(PRIMARY)

Appearance:

MR NR TANDEL for Petitioner
NOTICE SERVED for Respondent No. 1
RULE SERVED for Respondent No. 2, 3

CORAM : MR.JUSTICE S.K.KESHOTE

Date of decision: 08/12/2000

ORAL JUDGEMENT

#. Heard the learned counsel for the parties.

#. The petitioner in this petition prayed for
declaration that he is entitled to get the selection

grade w.e.f. 1-1-1977 instead of 1-1-1981. Further prayer has been made for setting aside of the order annexure 'A' dated 28-10-1986 wherein the respondent No.2 has awarded selection grade to the petitioner w.e.f. 1-1-1981. Second prayer has been made for direction to the respondents to modify the order, annexure 'A' and set aside the action of the respondent of not considering the name of the petitioner for the purpose of promotional post of Head Master.

#. The petitioner filed earlier petition in this Court being special civil application No.5064 of 1987. That petition has been disposed of with the direction, what the petitioner stated, to the respondent No.2 to decide the representation of the petitioner re. his claim for the selection grade. Accordingly, the claim has been considered and the petitioner was found to be eligible for the selection grade w.e.f. 1-1-1981. I find from the record of the special civil application that from 1-1-1981, one Shri Ranchhodbhai Ramanbhai Patel was given the selection grade and he was junior to the petitioner and accordingly from that date, he was ordered to be given the selection grade. The petitioner is claiming selection grade from 1-1-1977. The petitioner has failed to give out that any person junior to him has been given the selection grade from 1-1-1977. What he submitted that as per the old policy, he became due for selection grade from 1-1-1977 but the petitioner at that time has not raised the voice and the respondents have acted fairly, impartially and in consonance with the principles of fairplay and natural justice in accepting his claim from 1-1-1981, the date on which his immediate junior was given the selection grade. In view of these facts, it cannot be said that the petitioner has been subjected to any hostile discrimination by the respondents.

#. So far as the second prayer is concerned, it is also not sustainable. The petitioner has not given out that person junior to him has been given the promotion on the post of Head Master earlier to him. The petitioner has not produced on the record of this special civil application, copy of the earlier petition. It is nowhere borne out from the record of this case that in the earlier petition, the petitioner also prayed for relief of promotion to the post of Head Master. The petitioner now after so many years of his alleged denial of promotion, raised this claim, which cannot be accepted and granted.

#. In the result, this special civil application fails and the same is dismissed. Rule discharged. Interim

relief, if any, granted stands vacated. No order as to costs.

zgs/-